

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In the Matter of )

Western Wireless Corporation Petitions for )  
Preemption of an Order of the South Dakota )  
Public Utilities Commission )

CC Docket No. 96-45

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION'S REQUEST FOR AN  
EXTENSION OF COMMENT PERIODS

Pursuant to Federal Communications Commission (FCC) Rule 1.46, 47 C.F.R. Section 1.46 (1998), the South Dakota Public Utilities Commission (SDPUC or commission), through its undersigned counsel, respectfully requests that the FCC grant an extension of the current schedule to file comments and reply comments in the above-captioned proceedings.

The established comment date is August 18, 1999, and the reply comment date is September 2, 1999. **This request is for an additional fifteen (15) days beyond the comment date of August 18, 1999.** If granted, this would necessitate additional time for reply comments and it is suggested that an additional fifteen days beyond September 2, 1999, would be appropriate.

In support of this request, SDPUC states as follows:

1. The staff of the SDPUC is small, which if not counting three commissioners, secretarial staff, grain and warehouse employees and the executive director, consists of eleven (11) full time employees. Of this number, one analyst and one attorney are permanently assigned as commission advisors. There are three attorneys, total, including the one assigned permanently as a commission advisor. This staff routinely handles all regulatory matters involving, gas, electricity and telecommunications as well as pipeline safety and one-call board functions.

2. Of the three agency attorneys, the attorney assigned permanently as an advisor to the commission has taken twelve weeks of maternity leave and is not expected to return to work until mid to late September, 1999. A temporary independent contractor attorney has been retained to perform some of her functions but he is not experienced in telecommunications law or utility regulatory matters and will not be representing the SDPUC in actions in court or before other agencies such as the FCC.

3. Due to the work load of the SDPUC, especially as anticipated as a result of new legislation regarding slamming and cramming which became effective July 1, 1999, and may involve multiple administrative hearings, fifteen extra days would allow the undersigned, as one remaining staff attorney, adequate time to prepare a comment in this docket.

4. The issues of preemption as presented in this docket are of high importance to the SDPUC. Further, Western Wireless Corporation has filed an appeal before the Sixth Judicial Circuit, South Dakota Circuit Court, of the decision which the SDPUC reached in this matter. Western Wireless' brief is due August 13, 1999 and under South Dakota law the undersigned attorney will have 30 days to respond to that brief.

WHEREFORE, given the gravity of the issues before the FCC in this matter, the diminished size of the SDPUC staff which has responsibility for filing comments in this docket, the existence of a parallel case involving the same parties in state circuit court in South Dakota, and a genuine plea of the undersigned counsel for additional time, the SDPUC respectfully requests an extension of the current schedule by an additional fifteen (15) days beyond August 18, 1999, for filing of comments in these proceedings.

Respectfully submitted,



Camron Hoseck  
Special Assistant Attorney General

South Dakota Public Utilities Commission  
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July 27, 1999

#### CERTIFICATE OF SERVICE

I hereby certify that copies of South Dakota public Utilities Commission's Request for an Extension of Comment Periods were served on the following by mailing the same to them by United States Post Office First Class Mail, postage thereon prepaid, at the address shown below on this the 27th day of July, 1999.

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A handwritten signature in black ink, appearing to read "Camron Hoseck", written over a horizontal line.

Camron Hoseck  
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